



TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT  
EMPLOYER SERVICES  
500 JAMES ROBERTSON PARKWAY, 8TH FLOOR  
NASHVILLE TENNESSEE 37245-3555  
(615)741-2486 FAX (615)741-7214

EX

**APPLICATION FOR TRANSFER OF EXPERIENCE RATING RECORD**

UNLESS YOU ARE COVERED BY TCA 50-7-403(b)(5)(B) AS A SAME PARTIES OF INTEREST SUCCESSOR, THIS TRANSFER IS VOLUNTARY ON THE PART OF BOTH PREDECESSOR AND SUCCESSOR. (SEE PAGE 2)  
(ALL INFORMATION MUST BE PROVIDED.)

**1. NAME OF PREDECESSOR/  
TRANSFEROR EMPLOYER** \_\_\_\_\_  
  
**ADDRESS** \_\_\_\_\_  
(Street) (City) (State) (Zip Code)  
  
**TENNESSEE ACCOUNT NUMBER** \_\_\_\_\_ **FEDERAL EMPLOYER ID NUMBER** \_\_\_\_\_

**2. EFFECTIVE DATE OF TRANSFER** \_\_\_\_\_ **3. TYPE OF TRANSFER** TOTAL ☐ PARTIAL ☐  
  
**4. IF PARTIAL TRANSFER,** PERCENT OF BUSINESS TRANSFERRED \_\_\_\_\_ %  
PERCENT OF BUSINESS RETAINED BY PREDECESSOR \_\_\_\_\_ %

**5. NAME OF SUCCESSOR/  
TRANSFeree EMPLOYER** \_\_\_\_\_  
  
**ADDRESS** \_\_\_\_\_  
(Street) (City) (State) (Zip Code)  
  
**TENNESSEE ACCOUNT NUMBER** \_\_\_\_\_ **FEDERAL EMPLOYER ID NUMBER** \_\_\_\_\_

We, the predecessor and successor employers, do hereby jointly certify that the information provided herein is true and correct to the best of our knowledge and belief. Furthermore, we hereby agree that premiums credited and both past and future benefits chargeable to the account of the predecessor shall be divided between the predecessor and successor by a transfer percentage determined in accordance with Section 50-7-403(b) Tennessee Code Annotated and Rule 0560-2-3-.12 of the Tennessee Employment Security Law and Regulations. This application is a binding agreement and is irrevocable once it has been properly executed, signed by both the predecessor and successor entities and approved by the Tennessee Department of Labor and Workforce Development.

NOTE: This form must be signed by a corporate officer, authorized limited liability company member, partner, or proprietor of both the predecessor and successor and be filed with the Department of Labor and Workforce Development during the calendar quarter in which the acquisition occurs or during the calendar quarter immediately following such quarter as set out in Section 50-7-403(b) of the Tennessee Code Annotated and Rule 0560-2-3-.12 of the Employment Security Law and Regulations.

**6. PREDECESSOR/TRANSFEROR EMPLOYER**

**7. SUCCESSOR/TRANSFeree EMPLOYER**

SIGNED \_\_\_\_\_  
PRINTED NAME \_\_\_\_\_  
TITLE \_\_\_\_\_  
DATE \_\_\_\_\_  
NOTARY REQUIRED  
STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ PERSONALLY APPEARED  
BEFORE ME ON THE THE \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_  
WHO MAKES OATH THAT S/HE EXECUTED THE FOREGOING  
INSTRUMENT.

SIGNED \_\_\_\_\_  
PRINTED NAME \_\_\_\_\_  
TITLE \_\_\_\_\_  
DATE \_\_\_\_\_  
NOTARY REQUIRED  
STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ PERSONALLY APPEARED  
BEFORE ME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_  
WHO MAKES OATH THAT S/HE EXECUTED THE FOREGOING  
INSTRUMENT.

NOTARY SIGNATURE AND SEAL

NOTARY SIGNATURE AND SEAL

MY COMMISSION EXPIRES \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

## **IMPORTANT NOTICE**

50-7-403(b)(5)(B) Unless and until it has been shown to the satisfaction of the commissioner that both the successor and the predecessor are not the same parties of interest, any successor, whether or not an employer at the time of acquisition, that is controlled either directly or indirectly by legally enforceable means or otherwise by any individual, type of organization, or employing unit having a commonality of beneficial interest or interests as those of the predecessor will be considered the same party of interest as the predecessor and will acquire the experience rating factors of the predecessor employer. These factors consist of premiums paid, benefit experience, annual taxable payrolls of the predecessor employer, and any remaining liabilities. Furthermore, when the successor is a relative of the predecessor, such successor shall be considered to be the same party of interest as the predecessor unless shown otherwise. Whenever the successor is a corporation in which a relative (or relatives) of the predecessor has (or have) at least a ten percent (10%) interest, such successor shall be considered the same party of interest as the predecessor unless shown otherwise. When the successor and the predecessor are found to be the same parties of interest and the successor fails to notify the department of this relationship during the calendar quarter in which the acquisition occurs or during the calendar quarter immediately following such quarter, a penalty will result. Such a finding will result in the successor employer being assessed a penalty which is the greater of five percent (5%) of the total taxable payroll of the calendar quarter in which the acquisition occurred or one hundred dollars (\$100). However, in no event shall the penalty exceed five hundred dollars (\$500) per calendar quarter. Each successive calendar quarter in which there is a failure to notify the department will result in the successor employer being assessed a separate penalty. For purposes of this subsection, "relative" means spouse, child, stepchild, adopted child, grandchild, great-grandchild, son-in-law, daughter-in-law, parent, stepparent, parent-in-law, grandparent, great-grandparent, brother, sister, half brother, half sister, stepbrother, stepsister, brother-in-law, sister-in-law, aunt, uncle, nephew and niece.